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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Juan Xavier Gloria,) No. CV 04-0604-PHX-DGC (DKD)
10 Petitioner,)
11 vs.) **ORDER**
12 Johnny Tucker, et al.,)
13 Respondents.)
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15 On June 23, 2005, the Court accepted a Report and Recommendation (“R&R”) recommending dismissal of Petitioner’s writ of habeas corpus as untimely. Doc. #21. Petitioner filed a motion to appoint counsel and a motion to reargue on July 19, 2005. (Doc. ##23, 24). The Court construed Petitioner’s motions as motions for reconsideration of the Court’s dismissal of the habeas petition, and on September 21, 2005, the motions for reconsideration were denied. Doc. #25. *Id.* On November 18, 2005, Petitioner filed a motion for relief from judgment. Doc. #26.

22 The Court will construe Petitioner’s motion as a second motion for reconsideration. The Court has discretion to reconsider and vacate its Order. *See Barber v. Hawaii*, 42 F.3d 1185, 1198 (9th Cir. 1994); *United States v. Nutri-Cology, Inc.*, 982 F.2d 394, 396 (9th Cir. 1992). Motions for reconsideration are disfavored, however, and are not the place for parties to make new arguments not raised in their original briefs. *See Northwest Acceptance Corp. v. Lynnwood Equip., Inc.*, 841 F.2d 918, 925-26 (9th Cir. 1988). Nor is it the time to ask the Court to rethink what it has already thought.

1 The Court will deny Petitioner's second motion for reconsideration because
2 Petitioner's objections do not warrant relief from judgment. Petitioner reiterates the
3 underlying bases for his petition for writ of habeas corpus, but the fact remains that his
4 habeas claim was filed well after the deadline and he has not shown that extraordinary
5 circumstances prevented him from filing on time. Therefore, Petitioner's second motion for
6 reconsideration is denied.

7 **IT IS ORDERED** Petitioner's Motion for Relief from Judgment (Doc. #26) is **denied**.

8 DATED this 5th day of January, 2006.

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12 David G. Campbell
13 United States District Judge
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